

MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON MONDAY JUNE 5, 1995 8:00 P.M. VILLAGE HALL, 85 MAIN STREET, IRVINGTON, NEW YORK.

Present: Dennis P. Flood, Mayor
Garrard R. Beeney, Trustee
Sheila M. Attai, Trustee
James McNiff, Trustee
Robert H. Pouch, Trustee
Stephen A. McCabe, Administrator
Lawrence S. Schopfer, Clerk-Treasurer
Robert M. Bauer, Superintendent of Public Works
Eugene Hughey, Building Inspector

The meeting was called to order by Mayor Flood who led the attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Flood displayed pictures of locations within the Village that have been damaged by graffiti. He noted that the Village would be looking into a variety of ways to eradicate the problem.

Mayor Flood opened the floor to public comment on matters not contained on the agenda. There were no comments from those in attendance.

Trustee Attai made a motion to adopt the minutes of the regular meeting of the Village Board held on May 15, 1995. The motion was seconded by Trustee Beeney and unanimously approved with Trustee Pouch abstaining.

Mayor Flood read communications from Thomas J. Abinanti regarding the extension of the county sales tax distribution; Jean MacIntosh; and Pat Sarfaty's resignation as youth employment director. A copy of this resolution and all other pieces of correspondence are attached hereto as a part of these minutes.

Regarding the SEQRA, Village Administrator Steve McCabe noted that Westchester County responded during the review period by stating that the proposed moratorium appears reasonable and that future zoning changes will be reviewed in greater detail. Mayor Flood indicated that the Board of Trustees has taken a hard look at the Environmental Assessment Form over the past 30 days. Trustee Pouch made a motion to designate the Trustees of the Village of Irvington as the lead agency for purposes of the SEQRA relating the proposed "Interim Development Law of 1995". Trustee McNiff seconded the motion and it was unanimously approved.

Trustee Pouch made a motion to declare a negative environmental impact with respect to the aforementioned SEQRA. Trustee Attai seconded the motion and it was unanimously approved.

Mayor Flood opened the public hearing regarding the proposed "Interim Development Law of 1995". He stated for background purposes that the Village has many issues to work out with respect to direction of development in the Industrial District and that there are many different ideas. He also noted that the Village owns very little land in this district and that the Board would have to work closely with property owners and merchants to come up with a workable plan. He stated that the environmental studies would be expensive and that the property owners might "buy into" the concept, but that would take time. Furthermore, this is not a "done deal" and the process would be a long one.

Trustee Beeney provided a brief background on the waterfront issue indicating that studies had been conducted as far back as the mid 1980's. He noted that this was the first official action taken by any Board and he hoped that it would lead to a worthwhile result. He outlined the process by indicating that tonight the moratorium would be enacted into law and then the zoning issues would be studied over the next several months. Village Attorney Kevin Plunkett indicated that he had recently received correspondence from Human-i-Tees regarding their concerns about the proposed moratorium legislation.

Steve Kemler, co-President of Human-i-Tees introduced Judith Rose and Joel Sachs and provided a brief background on his company. He stated that the building that would be constructed on their property at 29 Bridge Street would be environmentally sound and energy efficient. He cited his meeting with Steve McCabe, Mayor Flood, and Trustee Beeney and welcomed the constructive dialog. He also noted that his company is different than prior owners because they plan to make Irvington their new home in 2 years. He then deferred to his counsel, Joel Sachs, for technical comments on the moratorium.

Page 2 - Minutes of June 5, 1995 Board Meeting

Joel Sachs noted that his legal concerns were outlined in a letter to Kevin Plunkett. He stated that the waiver process is not mentioned in the body of the law, but only in the intent section. He also suggested that the law include examples of actions for which the Board can grant waivers. Also, he was concerned that the law could be renewed indefinitely.

Mayor Flood pledged that the Village Board plans to act quickly and not drag the moratorium out over an extended period of time. He stated that citizens were already involved in the form of the Irvington 2000 committee. He also noted that this moratorium does not cover the whole Village and would require a less extensive review period. Trustee Beeney acknowledged that he appreciated Mr. Sachs' concerns, however, the Board does not wish to include specific examples, nor a time limit in the law. Mr. Sachs stated that the Village Board's posture on this matter was reassuring.

Earl Ferguson stated that he is anxious to proceed in the review process cooperatively. John Dedyo questioned what the wording of the law stated regarding the appeals process. Kevin Plunkett indicated that the Village Board acts as the appeals body in such waiver requests.

Adele Warnock stated that a large study would be necessary and that the waterfront is in need of such a study.

Mario Orlando asked where the Human-i-Tees property is located. Trustee Beeney indicated 29 Bridge Street. Mr Orlando also asked whether the company was for profit. Mr. Kemler acknowledged "Yes".

Stanley Leyden noted that the studies would probably determine the future environmental impact, however, studies need to be performed now to determine what problems currently exist. Kevin Plunkett indicated that a full environmental impact statement might be required, however, there may be mitigating conditions to not require cleanup of current conditions. Mr. Leyden then questioned whether certain levels of pollution are allowed. Trustee Beeney responded that it depends on the use of the property in question.

John Dedyo asked about the Gisolfi report. Mayor Flood indicated that it was a very short report. Mr. Dedyo asked whether there were other reports. Trustee Beeney indicated that none had been completed and the Irvington 2000 committee would be examining whatever documentation does exist.

There being no other comments from the floor, Mayor Flood requested a motion to close the public hearing. Trustee Pouch made a motion, seconded by Trustee Beeney and unanimously approved.

Trustee Beeney made a motion to adopt the "Interim Development Law of 1995". The motion was seconded by Trustee Attai and unanimously approved.

Trustee Attai discussed the beautification committee's activities as well as the activity within the building department.

Trustee McNiff made announcements regarding recreation and parks department activities including the availability of park permits and the day camp programs.

Trustee Pouch indicated that the Department of Public Works was currently performing grass cutting, road patching, and brush cleanup. He also indicated that several roads were scheduled to be repaved during the summer and the sidewalks on Harriman Road would be reconstructed.

Trustee Beeney noted that the DARE Carnival raised approximately \$2,500 despite the rainout of Friday night. Also, he indicated that a conference with a judge is scheduled for June 26 regarding the Insurance Carrier litigation. John Dedyo asked which insurance carrier. Trustee Beeney indicated National Casualty and North River Insurance. Mr. Dedyo also asked about the Fieldpoint matter. Mayor Flood indicated that no litigation has ensued and the road remains closed.

Mayor Flood requested that the signs limiting hour parking near Matthiessen Park be uncovered for the summer. He also discussed the Stone Church housing project.

Mayor Flood noted that the resident who presented unclear water to the Board at its last meeting, Mr. Kosack, was responded to the next day by Bob Bauer and Donald Casadone. The water was tested and was found to be safe, although not particularly appealing in appearance.

Steve McCabe indicated that the planning board intends to declare itself lead agency with respect to the Westwood Development project.

Clerk-Treasurer Lawrence Schopfer indicated that a proposed settlement with Pennybridge Manor Condominiums has been worked out by the Village's counsel. He briefly outlined the settlement indicating that it results in a 33% reduction in assessment covering 4 years. This results in a payout of approximately

Page 3 - Minutes of June 5, 1995 Board Meeting

\$175,000. Mr. Schopfer requested authorization from the Village Board for the Village's counsel to execute the stipulation of settlement. The authorization is subject to the determination of an appropriate payback period. Trustee Attai made a motion which was seconded by Trustee McNiff and unanimously approved.

Trustee McNiff made a motion for the Board to adjourn to executive session to take up litigation and personnel matters. The motion was seconded by Trustee Attai and unanimously approved.

Upon reconvening from executive session, there being no further business to conduct, the meeting was adjourned.

Lawrence S. Schopfer, Clerk-Treasurer

Attachments